

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION  
Case No. 1:22-cv-10**

<b>LYNN COWAN as Administrator )</b>	
<b>of the Estate of William Lawrence )</b>	
<b>Cowan, )</b>	
<b>Plaintiff, )</b>	<b>PLAINTIFF'S RESPONSE</b>
<b>)</b>	<b>TO DEFENDANT'S MOTION TO</b>
<b>)</b>	<b>COMPEL DISCLOSURE OF</b>
<b>vs. )</b>	<b>SETTLEMENT AMOUNTS</b>
<b>)</b>	
<b>PHILIP H. LAVINE, MD, )</b>	
<b>)</b>	
<b>Defendant. )</b>	

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NOW COMES Plaintiff, pursuant to LR 7.3(f), and hereby responds to Defendant's Motion to Compel Plaintiff to Disclose the Amount of Her Settlement with the Co-Defendants. (Doc. 98)

**ARGUMENT**

Defendant contends that "Plaintiff has refused to disclose the amount of Plaintiff's settlement with the Codefendants." (Doc. 99 p. 2) Defendant's contention is an inaccurate factual statement.

On October 26, 2022, Plaintiff executed a Release in exchange for a payment in the amount of \$50,000 from Alamance County Sheriff Terry Johnson and NGM Insurance. The settlement with the Sheriff is a matter of public record and not subject to any confidentiality.

In addition, on October 26, 2022, Plaintiff executed a Release of All Claims Against Certain Parties and Confidentiality Agreement with Southern Health Partners (SHP) and a Settlement Agreement and Release in Full with RHA Health

Services (RHA). The SHP and RHA settlement agreements have confidentiality provisions which limit Plaintiff's disclosure of the amounts, terms, and conditions of the settlements along with the settlement documents. Each confidentiality provision allows Plaintiff to disclose the settlement amounts to Dr. Lavine and his counsel, provided they agree to a stipulation of confidentiality or protective order.

On February 3, 2023, Plaintiff sent an email to counsel for Defendant disclosing the settlement amount with the Sheriff's Office and stating, "With respect to Southern Health Partners and RHA Health Services, I can disclose the settlement amounts and agreements to you upon receipt of a stipulation of confidentiality." Defendant did not respond to Plaintiff's email, did not agree to execute a stipulation of confidentiality, and did not serve a discovery request upon Plaintiff. Instead, on November 14, 2023, Defendant filed this Motion without contacting Plaintiff's counsel.

Upon receiving the Motion, Plaintiff forwarded the February 3, 2023 email to counsel for Defendant and reiterated that the confidential settlements could be disclosed upon receipt of a stipulation of confidentiality. Defendant has signed a Stipulation of Confidentiality that was approved by SHP and Plaintiff disclosed the confidential settlement amount with SHP. Plaintiff will disclose the confidential settlement amount with RHA once counsel for RHA approves the Stipulation of Confidentiality or a reasonable amount of time has elapsed.

Plaintiff has disclosed the settlement amount with the Sheriff's Office and the confidential settlement amount with SHP, and will soon disclose the confidential settlement amount with RHA. Defendant's Motion should therefore be denied.

**CERTIFICATE OF WORD COUNT**

The undersigned counsel for Plaintiff certifies that the foregoing responsive brief complies with the 6,250 words limitation in LR 7.3(d)(1).

This the 16<sup>th</sup> day of November, 2023.

/s/ Carlos E. Mahoney  
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Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

I, Carlos E. Mahoney, hereby certify that on November 16, 2023, I electronically filed the foregoing document entitled, **Plaintiff's Response to Defendant's Motion to Compel Disclosure of Settlement Amounts**, with the Clerk of Court for the Middle District of North Carolina using the CM/ECF system which will give notice of the filing to the following counsel of record.

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